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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,987	10/21/2003	James Madeley	C525 0280	4548
720	7590	06/03/2005	EXAMINER	
OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			NGUYEN, THINH H	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,987	Applicant(s) MADELEY, JAMES	
	Examiner Thinh H. Nguyen	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☒ Claim(s) 6-12 and 14-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smith et al. (U.S.6,655,797)

Smith (figs.5C; col.5, line 66 – col.6, line 7) discloses elements of the instant claimed printhead assembly, including

a process color printhead (as shown by printheads 512b-512e; fig.2 and 5C) for printing at least one process color, the process color printhead having, for each process color, a first plurality of inkjet nozzles;

a spot color printhead (characterized by fixer head 512a which can be a colorant fluid as discussed in reference to Gore; col.1, lines 48-59) for printing at least one spot color, the spot color printhead having, for each spot color, a second plurality of nozzles, the second plurality having fewer nozzles than the first plurality.

Re claim 2, wherein the process color printhead is adapted to print black and at least one other process color and the printhead comprises an additional plurality of black inkjet nozzles. (col.2, lines 54-67; see fig.2)

Re claims 3-4, wherein the second plurality has at least one third fewer nozzles than the first plurality, and wherein the first plurality has twice as many nozzles as the second plurality. (col.5, lines 66-67)

Re claim 5, wherein the first and second pluralities each comprise nozzles located on a plurality of individual printheads. (as shown by printheads 512a-512e; fig.5C)

The claimed method of claim 13 is deemed to be anticipated by the functionality of Smith's apparatus.

Allowable Subject Matter

3. Claims 6-12, 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Patent Application Information Retrieval (PAIR)

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Response to Amendment

5. Applicant's Amendment filed March 11, 2005 has been entered and carefully considered. However, arguments are not deemed to be persuasive.

Applicant contends (page 3) that Gore, incorporated by Smith failed to disclose Gore's fixer as a spot color because it has no color in the visible range of the spectrum. Further, the Smith printer deposits fixer and overcoat onto every drop printed. Thus, the fixer printhead of Smith is not a spot color printhead. Finally, Smith does not disclose that the fixer and overcoat printheads have fewer nozzles than the ink printheads.

However the examiner maintains the rejection as previously presented. While a spot color ink may have some color in the visible range of the spectrum, and a spot printhead with a full head feature which may not be realized by the prior art, the claims are not limited to these features. The applicant is directed to MPEP 2145 sections 11 and VI. Arguing unclaimed limitations is generally not persuasive to patentability and the examiner does not see the claims as having any limitation as argued, therefore these limitation were not, and are not, being considered in determining the patentability. Again, the Examiner fails to see any limitation that set apart the printing scheme of the prior art and the applicant's claimed spot printhead other than the claimed terminology related to its printing scheme. However, it is to be noted that the Smith fixer head (col.6, lines 56-57) may be operated in a mode that is overprinted every dot.

Finally, Smith does disclose that the fixer and overcoat printheads have fewer nozzles than the ink printheads by apparently shown fixer head is half the length of the process color printheads.

In view of the foregoing reasons, the examiner asserts that all limitations have been properly evaluated and that the rejection as applied remains proper.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

7. Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, Thursday from 9:00A – 5:00P. The official fax phone number for the organization is (703) 872-9306. The examiner supervisor, Dave Talbott, can also be reached at (571) 272-1934.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.


Thinh Nguyen

May 30, 2005

**Thinh Nguyen
Primary Examiner
Technology Center 2800**

1/1

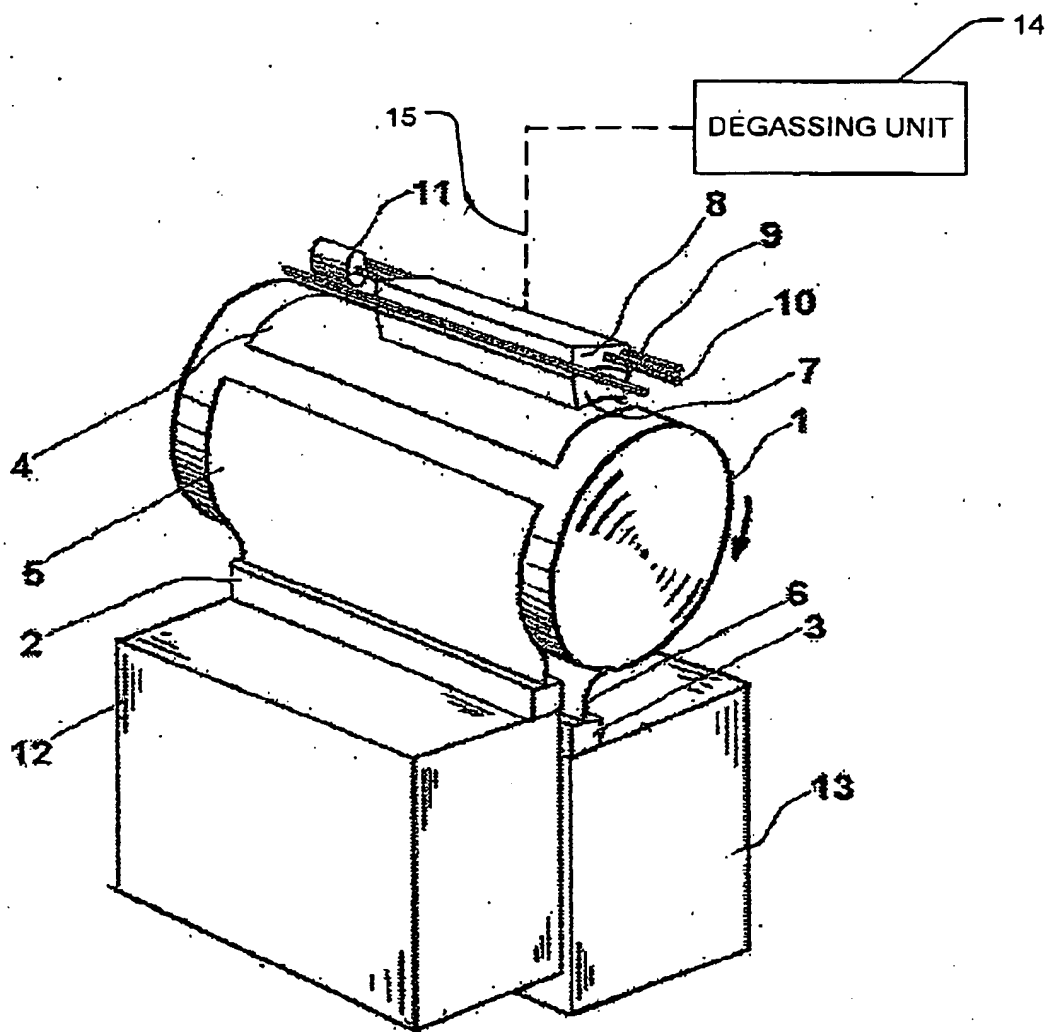


FIG. 1